

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 SEP -3 AM 9:31

UNITED STATES OF AMERICA,

Plaintiff,

v.

Cesar Alejandro, CONTRERAS-Rodriguez

Defendant

Magistrate Docket No.

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States


CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

'08 MJ 27 03

The undersigned complainant, being duly sworn, states:

On or about **September 2, 2008** within the Southern District of California, defendant, **Cesar Alejandro, CONTRERAS-Rodriguez**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
Ismael A. Canto
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 3rd DAY OF SEPTEMBER 2008.


Leo S. Papas
UNITED STATES MAGISTRATE JUDGE

DDA 09/02/08 CJA

jmc

CONTINUATION OF COMPLAINT:**Cesar Alejandro, CONTRERAS-Rodriguez****PROBABLE CAUSE STATEMENT**

On September 02, 2008 Border Patrol Agent A. Briseno was performing All Terrain Vehicle Duties in an area known as "East Smuggler's". At approximately 2:20 AM, Border Patrol Agent M. A. Quintero, who was operating the Station Infrared Scope, informed me via Agency radio, that he had observed the heat signatures for three people moving north through the East Smuggler's area. East Smuggler's is located approximately three miles west of the San Ysidro, California Port of Entry and 300 yards north of the United States / Mexico International Boundary Fence. East Smuggler's is often used by illegal aliens attempting to further their entry into the United States while trying to avoid detection from the US Border Patrol. Upon arriving in the area, Agent Briseno followed Agent Quintero's radioed directions as he guided him toward the three subjects. After a brief search, Agent Briseno encountered three individuals attempting to conceal themselves in some thick brush. Due to the time of day, the proximity of the US / Mexico Border, the observations of Agent Quintero, and the behavior of the subjects, Agent Briseno decided to perform an Immigration Inspection identified himself as a United States Border Patrol Agent and questioned each subject as to his citizenship and nationality. All subjects, including one later identified as **Cesar Alejandro CONTRERAS-Rodriguez** freely admitted to being citizens and nationals of Mexico who were not in possession of any immigration documents that would allow them to enter or remain in the United States legally. I arrested all three subjects and they were transported to the Imperial Beach Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **June 28, 2008** through **Laredo, Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

On September 2, 2008 at 8:01 AM the defendant was advised of his Miranda rights and stated that he understood his Miranda Rights and was willing to speak to us without an attorney present. During the recording of the Sworn Statement, the defendant again freely admitted to being a citizen and national of Mexico present in the United States without any immigration documents allowing him to enter or remain in the United States legally.